IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.1088 OF 2004.

WITH

CIVIL APPLICATION NO.3522 OF 2004

The State of Maharashtra : Appellants.

versus

Inder Dharmdas Bhambani : Respondent.

Mr.S.N.Gawade, AGP, for the State.

CORAM : D.G.DESHPANDE,J.

DATED : 18th October 2005.

ORAL ORDER

1. Heard the learned AGP for the State. This appeal is filed by the State challenging the Award of the Reference Court enhancing the compensation by Rs.80,000/- and odd. The Government has acquired the land of the claimant

including the portion of the Bungalow. The owner of the land planted number of trees and developed a lawn He has claimed compensation for these specific items and considering the claim, situation and evidence, the Reference Court enhanced the compensation.

2. The learned AGP tried to contend that there was no evidence that the land was non-agricultural use. He contradicted by his own witness who has admitted that the land is N.A. land since prior to acquisition. The order of the Reference Court is proper in the circumstances and no interference is called for. Hence the appeal is dismissed. Civil Application No.3522 of 2004 is for stay. It does not survive. It is disposed of

[D.G.DESHPANDE]